

contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 1215

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Georgia [Ms. MCKINNEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1997

Mr. STUMP. Madam Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2367) to increase, effective as of December 1, 1997, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1997".

#### SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1997, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(l) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1997.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1997, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1997, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. STUMP

Mr. STUMP. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUMP: Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rate Amendments of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking out "\$87" in subsection (a) and inserting in lieu thereof "\$95";

(2) by striking out "\$166" in subsection (b) and inserting in lieu thereof "\$182";

(3) by striking out "\$253" in subsection (c) and inserting in lieu thereof "\$279";

(4) by striking out "\$361" in subsection (d) and inserting in lieu thereof "\$399";

(5) by striking out "\$515" in subsection (e) and inserting in lieu thereof "\$569";

(6) by striking out "\$648" in subsection (f) and inserting in lieu thereof "\$717";

(7) by striking out "\$819" in subsection (g) and inserting in lieu thereof "\$905";

(8) by striking out "\$948" in subsection (h) and inserting in lieu thereof "\$1,049";

(9) by striking out "\$1,067" in subsection (i) and inserting in lieu thereof "\$1,181";

(10) by striking out "\$1,774" in subsection (j) and inserting in lieu thereof "\$1,964";

(11) in subsection (k)—

(A) by striking out "\$70" both places it appears and inserting in lieu thereof "\$75"; and  
(B) by striking out "\$2,207" and "\$3,093" and inserting in lieu thereof "\$2,443" and "\$3,426", respectively;

(12) by striking out "\$2,207" in subsection (l) and inserting in lieu thereof "\$2,443";

(13) by striking out "\$2,432" in subsection (m) and inserting in lieu thereof "\$2,694";

(14) by striking out "\$2,768" in subsection (n) and inserting in lieu thereof "\$3,066";

(15) by striking out "\$3,093" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$3,426";

(16) by striking out "\$1,328" and "\$1,978" in subsection (r) and inserting in lieu thereof "\$1,471" and "\$2,190", respectively; and

(17) by striking out "\$1,985" in subsection (s) and inserting in lieu thereof "\$2,199".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

#### SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(l) is amended—

(1) by striking out "\$105" in clause (A) and inserting in lieu thereof "\$114";

(2) by striking out "\$178" and "\$55" in clause (B) and inserting in lieu thereof "\$195" and "\$60", respectively;

(3) by striking out "\$72" and "\$55" in clause (C) and inserting in lieu thereof "\$78" and "\$60", respectively;

(4) by striking out "\$84" in clause (D) and inserting in lieu thereof "\$92";

(5) by striking out "\$195" in clause (E) and inserting in lieu thereof "\$215"; and

(6) by striking out "\$164" in clause (F) and inserting in lieu thereof "\$180".

#### SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "\$478" and inserting in lieu thereof "\$528."

#### SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking out "\$769" in paragraph (1) and inserting in lieu thereof "\$850"; and

(2) by striking out "\$169" in paragraph (2) and inserting in lieu thereof "\$185".

(b) OLD LAW RATES.—The table in subsection (a)(3) is amended to read as follows:

	Monthly
"Pay grade	
E-1 .....	\$850
E-2 .....	850
E-3 .....	850
E-4 .....	850
E-5 .....	850
E-6 .....	850
E-7 .....	879
E-8 .....	928
E-9 .....	968
W-1 .....	898
W-2 .....	934
W-3 .....	962
W-4 .....	1,017
O-1 .....	898
O-2 .....	928
O-3 .....	992
O-4 .....	1,049
O-5 .....	1,155
O-6 .....	1,302
O-7 .....	1,406
O-8 .....	1,541
O-9 .....	1,651

O-10 ..... <sup>rate</sup> 21,811

"1 If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,044.

"2 If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,941."

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking out "\$100" and all that follows and inserting in lieu thereof "\$215 for each such child."

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking out "\$195" and inserting in lieu thereof "\$215".

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking out "\$95" and inserting in lieu thereof "\$104".

#### SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "\$327" in paragraph (1) and inserting in lieu thereof "\$361";

(2) by striking out "\$471" in paragraph (2) and inserting in lieu thereof "\$520";

(3) by striking out "\$610" in paragraph (3) and inserting in lieu thereof "\$675"; and

(4) by striking out "\$610" and "\$120" in paragraph (4) and inserting in lieu thereof "\$675" and "\$132", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "\$195" in subsection (a) and inserting in lieu thereof "\$215";

(2) by striking out "\$327" in subsection (b) and inserting in lieu thereof "\$361";

(3) by striking out "\$166" in subsection (c) and inserting in lieu thereof "\$182".

#### SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1997.

Mr. STUMP (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. STUMP] is recognized for 1 hour.

Mr. STUMP. Madam Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. EVANS], pending which I yield myself such time as I may consume.

Madam Speaker, H.R. 2367, as amended, is the cost of living amendment or the COLA bill. The bill increases the rate of compensation for veterans with service-connected disabilities and the rate of dependency and indemnity compensation for the survivors of certain veterans. The rate of increase would follow Social Security Administration figures and be effective December 1, 1997.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the chairman of the committee for introducing this important legislation. I strongly

support this bill, which maintains the value of the compensation benefits received by our service-connected disabled veterans and their families. Because the Nation's economy is strong and the rate of inflation is low, this year's cost of living increase for veterans receiving compensation is correspondingly modest.

Specifically, this legislation codifies a 2.1-percent increase in service-connected compensation benefits. By enacting this bill, we are keeping our promise to our veterans with service-connected disabilities. The 2.1 percent VA compensation cost of living increase provided by this bill is the same rate of increase being provided to beneficiaries of Social Security. I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Benefits, for a further clarification of H.R. 2367.

Mr. QUINN. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this afternoon I join the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] to pass H.R. 2367, a bill that would provide a cost of living increase to 2.3 million veterans who are in receipt of service-connected disability compensation and nearly 330,000 survivors receiving dependency indemnity compensation, DIC. The bill would increase these benefits by 2.1 percent, the same percentage as given to Social Security recipients. I would also note that all the DIC recipients will get a full COLA.

Finally, the bill codifies the 1998 rates in title 38. Madam Speaker, this bill demonstrates the Congress's continuing commitment to keeping veterans benefits in line with the cost of living. This means that disabled veterans and their survivors will be able to maintain their standard of living. The extra money for dependents and clothing allowances will also make a positive contribution.

Madam Speaker, our disabled veterans represent the finest this Nation has to offer. They made a commitment to the Nation and we are keeping our commitment to them.

Finally, Madam Speaker, I want to thank and compliment the gentleman from California [Mr. FILNER], our ranking member on the subcommittee, as well as the gentleman from Texas [Mr. RODRIGUEZ] for their help throughout the hearings.

Mr. EVANS. Madam Speaker, I yield 1 minute to the gentleman from Texas [Mr. RODRIGUEZ], a member of the committee.

Mr. RODRIGUEZ. Madam Speaker, I want to first of all take this opportunity to congratulate the gentleman from Illinois [Mr. EVANS], the gentleman from New York [Mr. QUINN],

and the gentleman from Arizona [Mr. STUMP] for their efforts and leadership in this particular area.

I rise today in strong support of this bill to increase veterans disability payments. From December 1, 1997, all 2.3 million veterans and 307,000 survivors receiving compensation payments will see the amount of their disability check increase by 2.1 percent. The boost cannot come any sooner. Today we find many of our Nation's veterans and their families living from paycheck to paycheck. The least we can do for these individuals is to provide them with this opportunity and these cost of living increases. That is the right thing to do, especially after they have given to this country as much as they have.

I want to thank again the members of the committee for their efforts.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from New York [Mr. QUINN] and the gentleman from California [Mr. FILNER], the chairman and ranking member of the Subcommittee on Benefits, as well as the gentleman from Illinois [Mr. EVANS], the ranking member of the full committee, for all their support on this bill. Their efforts are greatly appreciated by all the veterans.

Mr. FILNER. Madam Speaker, we who serve as members of the Committee on Veterans' Affairs have many responsibilities. Our primary commitment, however, is to those men and women who are disabled while serving on active duty in America's Armed Forces and to their families. Accordingly, I rise in strong support of H.R. 2367, the Veterans' Compensation Cost-of-Living Adjustment Act of 1997.

Under this measure, more than 2½ million service-disabled veterans nationwide, and their surviving spouses, will receive an increase in their disability-related benefits on December 1 of this year. In the great State of California alone, more than 220,000 veterans injured in service to our country will receive this enhanced benefit.

I am privileged to serve on the Veterans' Affairs Committee and to work on behalf of those whose sacrifices have protected the freedoms on which our Nation is founded. We, as free men and women, owe a unique debt to our veterans, and I urge my colleagues to join me in fulfilling this special obligation by supporting H.R. 2367.

Mr. STEARNS. Madam Speaker, I rise today in strong support of H.R. 2367, the Veterans' Cost-of-Living Adjustment Act, which was introduced by Chairman STUMP.

It is fitting and right that our Nation's veterans be given a full COLA for fiscal year 1998. The 2.6 million veterans who receive disability compensation are entitled to this increase in their benefits. After all, these benefits were earned by these men and women in service to their country. They deserve to be compensated because in many cases their earning capacity was diminished due to injuries sustained during their military service.

Many veterans reside in Florida and I know firsthand how difficult it is for many of them to make ends meet. Passage of this bill will offer these valiant men and women who served our country a little more purchasing power. This

legislation also provides a partial compensation to the widows and children of veterans whose deaths were found to be service-connected. This too is fitting and right.

Again, I commend your leadership on this bill, Chairman STUMP, and I am pleased to offer my unqualified support for its passage.

Mr. STUMP. Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. STUMP].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans".

A motion to reconsider was laid on the table.

#### DENYING VETERANS BENEFITS TO PERSONS CONVICTED OF FEDERAL CAPITAL OFFENSES

Mr. STUMP. Madam Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 923

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DENIAL OF VETERANS BENEFITS

Notwithstanding any other provision of law, a person who is convicted of a Federal capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. STUMP

Mr. STUMP. Madam Speaker, in lieu of the committee amendment, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUMP: Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. DENIAL OF ELIGIBILITY FOR INTERMENT OR MEMORIALIZATION IN CERTAIN CEMETERIES OF PERSONS COMMITTING FEDERAL CAPITAL CRIMES.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN CERTAIN FEDERAL CEME-

TERIES.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

#### "§2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes

"(a)(1) In the case of a person described in subsection (b), the appropriate Federal official may not—

"(A) inter the remains of such person in a cemetery in the National Cemetery System or in Arlington National Cemetery; or

"(B) honor the memory of such person in a memorial area in a cemetery in the National Cemetery System (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

"(2) The prohibition under paragraph (1) shall not apply unless written notice of a conviction or finding under subsection (b) is received by the appropriate Federal official before such official approves an application for the interment or memorialization of such person. Such written notice shall be furnished to such official by the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime.

"(b) A person referred to in subsection (a) is any of the following:

"(1) A person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment.

"(2) A person who has been convicted of a State capital crime for which the person was sentenced to death or life imprisonment without parole.

"(3) A person who—

"(A) is found (as provided in subsection (c)) to have committed a Federal capital crime or a State capital crime, but

"(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

"(c) A finding under subsection (b)(3) shall be made by the appropriate Federal official. Any such finding may only be made based upon a showing of clear and convincing evidence, after an opportunity for a hearing in a manner prescribed by the appropriate Federal official.

"(d) For purposes of this section:

"(1) The term 'Federal capital crime' means an offense under Federal law for which the death penalty or life imprisonment may be imposed.

"(2) The term 'State capital crime' means, under State law, the willful, deliberate, or premeditated unlawful killing of another human being for which the death penalty or life imprisonment without parole may be imposed.

"(3) The term 'appropriate Federal official' means—

"(A) the Secretary, in the case of the National Cemetery System; and

"(B) the Secretary of the Army, in the case of Arlington National Cemetery."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by adding at the end the following new item:

"2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes."

(c) EFFECTIVE DATE.—Section 2411 of title 38, United States Code, as added by subsection (a), shall apply with respect to applications for interment or memorialization made on or after the date of the enactment of this Act.

#### SEC. 2. CONDITION ON GRANTS TO STATE-OWNED VETERAN CEMETERIES.

Section 2408 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) In addition to the conditions specified in subsections (b) and (c), any grant made on or after the date of the enactment of this subsection to a State under this section to assist such State in establishing, expanding, or improving a veterans' cemetery shall be made on the condition described in paragraph (2).

"(2) For purposes of paragraph (1), the condition described in this paragraph is that, after the date of the receipt of the grant, such State prohibit the interment or memorialization in that cemetery of a person described in section 2411(b) of this title, subject to the receipt of notice described in subsection (a)(2) of such section, except that for purposes of this subsection—

"(A) such notice shall be furnished to an appropriate official of such State; and

"(B) a finding described in subsection (b)(3) of such section shall be made by an appropriate official of such State."

Mr. STUMP (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. STUMP] is recognized for 1 hour.

Mr. STUMP. Madam Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. EVANS] pending which I yield myself such time as I may consume.

Madam Speaker, S. 923 is a bill to deny burial in a national cemetery to veterans convicted of capital offenses. During our committee hearings on this measure, and a similar measure which the gentleman from Illinois [Mr. EVANS] and I introduced, we heard testimony from all the major veterans service organizations. Although none of the organizations oppose the concept of the legislation in this area, they all urged the committee to be very careful about taking away earned benefits from veterans who have served their country honorably.

Existing law requires the reduction of compensation benefits to veterans serving prison terms, and there are provisions which revoke all benefits for certain crimes, such as treason or espionage.

Our committee carefully examined a number of proposals which would deny benefits to a certain class of veterans and reached a bipartisan conclusion on the legislation before the House. The committee chose not to limit benefits other than burial in a national cemetery at Arlington or in State veterans cemeteries.

However, the House amendment does expand the types of crimes which could lead to loss of benefits to both State and Federal capital crimes. I want to note the role of the gentleman from